

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
MINUTES OF A PUBLIC HEARING**

DATE..... September 17, 2003  
 TIME..... 7:00 P.M.  
 PLACE..... County Office Building  
 20 N. 3<sup>RD</sup> Street  
 Lafayette, IN 47901

**MEMBERS PRESENT**

Jack Rhoda  
 Stuart Boehning  
 KD Benson  
 Jeff Kessler  
 Gary Schroeder  
 Steve Schreckengast  
 David Williams  
 Ashley Stevenson  
 James Miller  
 Karl Rutherford  
 Mark Hermodson  
 Kathy Vernon  
 Jan Mills

**MEMBERS ABSENT**

Laura Peterson  
 John Knochel

**STAFF PRESENT**

James Hawley  
 Sallie Fahey  
 Margy Deverall  
 Krista Trout  
 John Burns  
 Michelle D'Andrea  
 Jay Seeger, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 17<sup>th</sup> day of September 2003, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

**I. BRIEFING SESSION**

James Hawley informed the Commission that **Z-2142—JESCO INVESTMENT CORP. (Sweetbriar PD)(PDRS, GB & R3 TO PDMX) and Z-2143—WEXFORD DEVELOPMENT, INC. (Renaissance Place PD)(CB TO PDMX)** need to be continued to the October 15, 2003.

**II. APPROVAL OF MINUTES**

Jeff Kessler moved to approve the minutes of the August 20, 2003 public hearing. Kathy Vernon seconded and the motion carried by voice vote.

**III. NEW BUSINESS**

Mark Hermodson stated that he was honored that the Area Plan Commission chose him to make the following motion:

Mark Hermodson moved that Sallie Dell Fahey be offered the position of Executive Director of the Area Plan Commission of Tippecanoe County to succeed James Hawley. Jeff Kessler seconded the motion.

Mark Hermodson read the following statement for the benefit of the public:

When James Hawley announced his retirement, the Plan Commission made the decision to conduct a national search for Executive Director. The community deserves that consideration and whoever was to become Executive Director would know that he or she was selected from a national pool. It was advertised and 15 applications were received from across the country. From the written applications, President Jack Rhoda, Vice President Jan Mills, County Commissioner KD Benson and attorney Jay Seeger selected three for phone interviews. Two survived the phone interview process to have in-person interviews yesterday with community leaders and APC Commissioners. Both candidates were highly qualified and had admirable personal qualities to lead the APC. Last evening there was an executive session of the Area Plan Commission with 12 Commissioners and Jay Seeger present. Each Commissioner gave impressions and

recommendations one at a time and all 12 recommended Sallie Dell Fahey for the position. The meeting lasted approximately 30 minutes. We are confident that we have selected the best person to lead the APC in the years ahead. Sallie Fahey is a proven consensus builder, an excellent listener, and a dedicated public servant for all constituents of this community. Her written vision for excellence for the APC, presented in her application materials, is an outstanding document, enthusiastically endorsed by the Commissioners last night. It is new direction for the community with fresh carefully thought-out ideas. [Addressing Sallie Fahey directly] The Commission is really behind you on this and wishes you the best.

The Commission voted by ballot 13 yes – 0 no to offer the position of Executive Director of the Area Plan Commission of Tippecanoe County to Sallie Dell Fahey.

Sallie Fahey informed the Commission that she was truly grateful for the vote of confidence and giving her a new opportunity to serve the community. She promised the Commission and ensured the public that she would put her heart and soul into being the next Executive Director.

Steve Schreckengast stated that this was a very well thought out process. He congratulated Sallie Fahey and said that the County was in very good hands. He thanked James Hawley for all of his years of dedicated service. He said that the County is a better place because James Hawley was the Area Plan Director.

A. AUTHORIZATION TO FILE A BELATED PRIMARY APPROVAL EXTENSION REQUEST

**DAUGHERTY COMMERCE CENTER (MAJOR-PRELIMINARY PLAT):** The developer, DCI Development, LLP, is requesting the Area Plan Commission vote to permit a belated primary approval extension request for Daugherty Commerce Center. The original conditional primary approval was granted on August 19, 1998 for a 29-lot industrial subdivision on 103 acres, located at the northwest corner of CR 350 S and Concord Road, in Lafayette, Wea 10(NW)22-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation for approval to permit the filing of a belated primary approval extension request.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, stated that he did not have a valid reason for this mistake, simply that the date was missed. He posed the question as to whether there was any benefit to starting over. He said that the staff report accurately reflects the circumstances surrounding this request. He stated that this area has grown pursuant to the plan. He mentioned that this belated re-submission would not harm anyone. He pointed out that the ordinance talks about the re-submission being looked at with respect to the subdivision regulation procedures, in effect at the time of the re-submission. He said that the staff has studied this and concluded that this plan is the same as when it originated. He mentioned that starting all over would still end with the same results, but would have a huge impact on the staff, petitioner and developer's time. He stated that although an error was made, there would be no harm in granting this request nor would it set an adverse precedent for the County. He asked for approval.

Jack Coffin, 3481 Concord Road, Lafayette, IN, stated that the date was simply missed and asked for approval.

Jeff Kessler stated that there was no harm and no foul in this request.

The Commission voted by ballot 13 yes – 0 no to approve the request to file a belated 2-year extension for **DAUGHERTY COMMERCE CENTER (MAJOR-PRELIMINARY PLAT)**.

#### IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby

entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

Jack Rhoda read the meeting procedures.

Jeff Kessler moved to continue **Z-2142—JESCO INVESTMENT CORP. (Sweetbriar PD)(PDRS, GB & R3 TO PDMX)** and **Z-2143—WEXFORD DEVELOPMENT, INC. (Renaissance Place PD)(CB TO PDMX)** to the October 15, 2003 APC meeting at 7:00 pm. Kathy Vernon seconded and the motion carried by voice vote.

#### A. REZONING ACTIVITIES

1. **Z-2133—O'MALLEY-WHITE DEVELOPMENT, INC. (NB TO GB):** Petitioner is requesting rezoning of 5.67 acres located at the south corner of Braddock Drive and Cliburn Road, and on the north side of CR 350 S, Lafayette, Wea 9 (NE) 22-4. CONTINUED FROM THE JULY MEETING AT PETITIONER'S REQUEST.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map, aerial photo and site plan.

Sallie Fahey read the staff report with recommendation of denial.

Daniel Teder, PO Box 280, Lafayette, IN, stated that the petitioner was present to answer any questions as well as the attorney representing the purchaser. He said that this was a unique area because it is all commercial. He presented zoning maps to the Commission. He pointed out the GB areas on the map and mentioned that the other business did not have any objection to this petition. He informed the Commission that he spoke to the owner of the near-by R3 area and not only did he not have any objection, but he also plans to petition for a commercial zone. He mentioned that he also spoke to several owners of neighboring apartment complexes and the owners of the planned development and there were no objections. He said that this proposal would have no impact on the single-family homeowners to the west of 18<sup>th</sup> Street. He pointed out that this would increase the value of the commercial property along CR 350. He stated that there might be some outside storage involving mulch, gardening and lawnmower sales. He mentioned that there was plans for 2 fast food restaurants for the front lots and at least one of them would need a drive through. He pointed out that if this were not GB they would have to come back for a special exception for the drive-thru. He mentioned that the only negative aspect of GB at this site is that adult entertainment would be permitted. He informed the Commission that the petitioner would be putting a covenant on the land to prohibit those types of uses. He explained that the deed transfer would happen right away and it would become a permanent covenant that would run with the land. He stated that the Land Use Plan and Task Force Corridor Study that have looked at this area and their concern was this would become like Teal Road. He explained the differences as to why this could never be like Teal Road. He stated that CR 350 could handle this and it would not intrude on the single-family residences. He respectfully disagreed with the staff's report and asked for approval.

Joseph T. Bumbleburg stated that he was representing the potential buyer. He said that the long-range plan for this area is out of date. He pointed out that the 1992 plan for CR 350 has not been carried out or approved by the County Commissioners. He stated that the current development in this area has been driven by the City growth, the structure of 350 and the newly improved South 18<sup>th</sup> Street. He pointed out that there is already GB in the area. He said that CR 350 is a major arterial serving the south half of Tippecanoe County. He mentioned the possibility that CR 350 might become a State Highway in the future. He stated that the usefulness of CR 350 to the whole community supports the growth of that area. He pointed out that the definition of a neighborhood states that it is an area where, by nature, people ban together. He gave some examples of neighborhoods in Lafayette and West Lafayette that meet this definition. He mentioned that neighborhoods also include stores that people can walk to and serve particular needs. He explained that these definitions do not apply to CR 350. He said that since the road has been rendered non-access it's purpose is to cover large amounts of traffic. He stated that this is not a neighborhood area anymore and that GB will not harm anyone.

Steve Knezovich, 1616 Waterstone Drive, Lafayette, IN, stated that he lived on the south side of 350. He pointed out that the NB area around Valley Lake Subdivision and Supertest was not mentioned. He mentioned that 2 years ago when the developer of Waterstone, Cedar Run Development, petitioned to rezone 40 acres from R3 to GB, all the residents of Waterstone signed a petition against it and the developers listed to the residents and changed the petition to NB. He pointed out that the GB that was referred to in this area was grandfathered in. He stated that there was a lot of other land available for GB. He said that he was not representing the neighborhood, but was representing the developer and himself.

Sallie Fahey read the following letter in opposition into the record:  
Gary Carpenter, Cedar Run Limited, 8355 Rockville Road, Indianapolis, IN.

Daniel Teder stated that the comments from Cedar Run Limited seemed to be more of a competitive nature.

KD Benson asked what was currently on the site.

Daniel Teder stated that there was some old mulch on the lot, but was basically vacant.

Steve Schreckengast asked for clarification that all of the curb cut locations were predetermined from 18<sup>th</sup> Street to Concord road.

Daniel Teder stated that was correct and this site would have one entrance.

Opal Kuhl acknowledged this as correct.

Steve Schreckengast commented that this would not be anything like Teal Road.

Daniel Teder stated that could not occur.

Jack Rhoda asked for clarification that there are buffer requirements for a GB zone adjacent to an R3 or NB.

James Hawley replied affirmatively. He stated that was correct unless a public street was developed there, then there would not be a buffer

The Commission voted by ballot 8 yes – 5 no to recommend approval of **Z-2133—O'MALLEY-WHITE DEVELOPMENT, INC. (NB TO GB)** to the Lafayette City Council.

**Yes votes**

Kathy Vernon  
 Gary Schroeder  
 David Williams  
 Karl Rutherford  
 Steve Schreckengast  
 Jack Rhoda  
 Jeff Kessler  
 KD Benson

**No votes**

Stuart Boehning  
 James Miller  
 Ashley Stevenson  
 Mark Hermodson  
 Jan Mills

2. **Z-2139—MANN PROPERTIES, LLP (I3 TO GB):** Petitioner is requesting rezoning of approximately 41 acres of the Caterpillar property, located at the southwest corner of SR 26 E and Creasy Lane, Lafayette, Fairfield 26 (NW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map, aerial photo and site plan.

Sallie Fahey read the staff report with recommendation of approval.

Joseph T. Bumbleburg stated that he represented Mann Properties and a representative of that company as well as a representative of Caterpillar were present. He presented photos of the site to the Commission. He concurred with the staff report. He explained that an industrial zone for this site does not fit with the long-range plans for Caterpillar. He pointed out that Caterpillar is a significant employer and economic player in the community. He mentioned that Caterpillar is the epitome of a corporate good citizen and pointed out the new Cat Park and soccer field. He stressed that this development would not impact the park at all. He stated that the park is a good example of Caterpillar acting in the best interest of the community. He referred to the staff report's comments on traffic and explained that they have already met with the City of Lafayette Engineer on this issue and there is a traffic study in progress. He asked for approval.

Jeff Kessler pointed out that this road has changed a lot in the last 16 years. He agreed with the last paragraph of the staff report.

Steve Schreckengast stated that this was a great example of an infill. He pointed out that this would add to the assessed valuation. He explained that there would be more taxes paid on this land and would have no impact on City services.

The Commission voted by ballot 13 yes –0 no to recommend approval of **Z-2139—MANN PROPERTIES, LLP (I3 TO GB)** to the Lafayette City Council.

3. **Z-2144—AREA PLAN COMMISSION (Southwest Lafayette Zoning Map) (R1, R1A, R1B, R2, R3, NB, NBU, OR, MR, GB, HB, I1, I2, I3, A, AA, AW, FP, PDRS, PDNR, PDMX, PDCC to R1, R1A, R1B, R1U, R2, R2U, R3, R3U, NB, NBU, OR, MR, GB, HB, I1 I2, I3, A, AA, AW, FP, PDRS, PDNR, PDMX, PDCC):** Petitioner is requesting approval of a new Southwest Lafayette zoning map combining Township and City maps in the area encompassed by Lafayette within portions of Fairfield Township, Sections 29, 30 & 31; Wea Township, Sections 5,6, & 8; and Union Township, Section 36. The map encompasses all of the area from South 9<sup>th</sup> Street, west to the Shadeland town boundary and between Kossuth/Smith Streets on the north and CR 300 S & CR 350 S on the south.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded the motion.

James Hawley presented slides of the existing zoning map, the north existing zoning map, the south existing zoning map, the north aerial, the south aerial, the proposed map, the north proposed map and the south proposed map. He explained that the reason for this petition was that these maps were very difficult to read and out of date since the annexation into the City of Lafayette. He pointed out the areas that were specified in the staff report as zoning changes. He stated that he personally contacted the owners of the sites that were changed and obtained either written or verbal commitments to correct the zoning. He explained that if these buildings were not changed they would continue to be non-conforming structures. He pointed out the Weaton Planned Development and explained the history leading up to its confusing status and the proposed correction. He mentioned that there is a letter on file from the owner of this development agreeing to the change. He pointed out the changes to Durkees Run and Elliott Ditch that reduce the flood plain area, as per DNR. He stated that they are recommending approval of this petition.

Sallie Fahey waived the reading of the staff report due to James Hawley's comprehensive explanations. She read the following letter into the record in favor of the changes to Weaton Planned Development: Thomas McCully, Stuart & Branigin, 300 Main Street, Suite 900 Lafayette, IN.

The Commission voted by ballot 13 yes – 0 no to recommend approval of **Z-2144—AREA PLAN COMMISSION (Southwest Lafayette Zoning Map) (R1, R1A, R1B, R2, R3, NB, NBU, OR, MR, GB, HB, I1, I2, I3, A, AA, AW, FP, PDRS, PDNR, PDMX, PDCC to R1, R1A, R1B, R1U, R2, R2U, R3, R3U, NB, NBU, OR, MR, GB, HB, I1 I2, I3, A, AA, AW, FP, PDRS, PDNR, PDMX, PDCC)** to the Lafayette City Council.

James Hawley stated that this new map would probably be the first digital map available on the website. He stressed that this would not be the official map, but would be an approximation for the website.

4. **Z-2145—CENTRAL INDIANA REGIONAL BLOOD CENTER, INC. (MR TO NB):** Petitioner is requesting rezoning of the property located at 1515 Union Street, the southwest corner of Erie and Union Streets, Lafayette, Fairfield 21 (SW) 23-4.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map and aerial photo.

Sallie Fahey read the staff report with recommendation of approval.

Daniel Teder stated that the petitioner was present. He concurred with the staff report. He agreed that NB would be the most appropriate use if the existing building would be utilized. He asked for approval.

The Commission voted by ballot 13 yes – 0 no to recommend approval of **Z-2145—CENTRAL INDIANA REGIONAL BLOOD CENTER, INC. (MR TO NB)** to the Lafayette City Council.

5. **Z-2146—TERRY ROBBINS (A TO R1A):** Petitioner is requesting rezoning of 1.5399 acres located on the south side of CR 500 S, approximately ¼ mile east of old US 231, Wea 20 (NW) 22-4.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map and aerial photo.

Sallie Fahey read the staff report with recommendation of approval. She read the following letter in opposition of the petition:

Dick and Louise Young, 330 E. 500 S., Lafayette, IN.

Bob Gross, 420 Columbia Street, Ste 100, Lafayette, IN, stated that he represented the petitioner who was not able to be present. He concurred with the staff report and said that he was available to answer any questions.

The Commission voted by ballot 13 yes – 0 no to recommend approval of **Z-2146—TERRY ROBBINS (A TO R1A)** to the Tippecanoe County Commissioners.

#### A. SUBDIVISIONS

1. **S-3336—SHANGRILA SUBDIVISION (MAJOR-PRELIMINARY):** Petitioners are seeking primary approval for an 82-lot single-family subdivision on 46.124 acres, located at the southwest corner of CR 300 W and CR 450 N, in Wabash 34 (SE) 24-5. CONTINUED FROM THE AUGUST MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map, aerial photo and plat.

Sallie Fahey stated that the petitioner has requested permission to bond. She informed the Commission that the County Commissioners recommended approval of the variances on September 3, 2003. She recapped the staff report with recommendation of conditional primary approval contingent on the following conditions:

#### A. Variances

1. A variance to waive the required half-width improvements to the CR 300 W frontage (320.78-ft., proposed Lot 80). *USO (Unified Subdivision Ordinance) Section 5.3(3)(b)*
2. A variance to reduce the required straight approach to an intersection from 100 ft. to 75.59 ft. (in front of proposed Lot 43). *USO Section 5.3(2)(e)(i)*

B. Conditions

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. The Post Office and 911 shall accept one new street name.
2. American Suburban Utilities, Inc shall approve the sanitary sewer plans.
3. Indiana-American Water Company, Inc shall approve the water plans.
4. The fire hydrants shall be approved by the Wabash Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Water Company in cooperation with the Fire Department.
5. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
6. The County Drainage Board shall approve the drainage plans.
7. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
8. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

9. "No Vehicular Access" statements shall be platted along the CR 300 W and CR 450 N right-of-way lines, wrapping around the entrance street right-of-ways to the satisfaction of the County Highway Department.
10. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
11. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
12. All required building setbacks shall be platted, including the 25-ft. Flood Plain setback. The larger front setbacks shall be clearly labeled on each affected lot.
13. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
14. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

15. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
16. The purpose, ownership and maintenance of Outlots A, B and C shall be specified.

Sallie Fahey read the following letter in opposition of the petition:

Scott Kepner, 4116 North 300 West, West Lafayette, IN.

Joseph T. Bumbleburg informed the Commission that this site was before them about a year ago as a rezone. He referred to the slides, pointed out the existing home and explained that it was set up this way so that there was not an illegal subdivision. He concurred and accepted all the conditions. He mentioned that a lot of consideration has been give to the wooded area. He reiterated that the County Commissioners approved the 2 variances. He explained the reasons behind the variances. He informed the Commission that there was an agreement between the petitioner and the Highway Department to put funds in escrow to cover the cost of the half width. He asked for approval for the variances, bonding and conditional primary approval.

The Commission voted by ballot 13 yes to 0 no to permit bonding.

The Commission voted by ballot 13 yes to 0 no to approve the two requests for variance.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3336—SHANGRILA SUBDIVISION (MAJOR-PRELIMINARY).**

**2. S-3375—HICKORY RIDGE SUBDIVISION (MAJOR-PRELIMINARY):**

Petitioner is seeking primary approval for a 180-lot subdivision (plus 3 outlots) on 73.27 acres. The site is located on the west side of Concord Road, the proposed

entrance being just south of the CR 450 S intersection, in Wea 15 (SW) and 16 (SE) 22-4. CONTINUED FROM THE AUGUST MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map, aerial, plat and proposed planned development on adjacent property.

Sallie Fahey stated that the petitioner has requested permission to bond. She recapped the staff report with recommendation of conditional primary approval contingent on the following conditions:

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. If the County Highway Department approval of the CR 350 S entrance requires more right-of-way than proposed on the preliminary plat, the necessary right-of-way shall be dedicated by separate document and recorded.
2. Street names accepted by the Post Office and 911 shall be used.
3. Temporary turnarounds shall be shown at the two street stub ends.
4. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
5. The fire hydrants shall be approved by the Wea Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the City in cooperation with the Fire Department.
6. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
7. The County Drainage Board shall approve the drainage plans.
8. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

9. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
10. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
11. All required building setbacks shall be platted.
12. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

13. The purpose, ownership and maintenance of Outlots A, B and C shall be specified.

Daniel Teder stated that the petitioner was present. He pointed out that the petitioner has spent a lot of time working with the Highway Department on the round-about. He concurred with the staff report and agreed with all the conditions. He asked for approval.

Jack Rhoda asked for explanation on the Environmental and Utility Considerations section of the staff report.

Daniel Teder stated that he did not know why the staff report was worded in that way. He explained that the water and sewer would be coming from the back of the development and working toward Concord Road. He stated that the easement is still being worked on.

The Commission voted by ballot 13 yes to 0 no to permit bonding.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3375—HICKORY RIDGE SUBDIVISION (MAJOR-PRELIMINARY).**

3. **S-3378—RANDALL RIDGE SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a one lot subdivision on 2.8 acres, located on the north side of CR 200 S, just west of County Line Road, in Perry 36 (SE) 23-3. CONTINUED FROM THE SEPTEMBER EXECUTIVE COMMITTEE MEETING.



Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map, aerial photo and 2 plats.

Sallie Fahey recapped the staff report with recommendation of conditional primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. A 40' wide right-of-way dedication shall be shown.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks (including the 25' setback from the Flood Plain zoning district) shall be platted.
5. The Regulatory Flood Elevation and Boundary for the Hog Run Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
6. The street addresses and County Auditor's Key Number shall be shown.

Ron Wharry, 52 West Clinton Street, Frankfort Street, IN, stated that the petitioner was present. He concurred with the conditions.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3378—RANDALL RIDGE SUBDIVISION (MINOR-SKETCH).**

4. **S- 3384—LITTLE MINOR SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a 1-lot subdivision on 1.938 acres, located on the east side of Dayton Road, near the CR 450 S intersection, in Sheffield (Richardville Reserve) 22-3.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map, aerial photo and plat. He recapped the staff report with recommendation of conditional primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted; also the 40' front setback from Dayton Road shall be shown.
3. The street addresses and County Auditor's Key Number shall be shown.
4. In the legal description, change the wording, "subject to a grant of right-of-way" to read, "subject to a dedication of right-of-way".

Robert Grove, 1930 Kossuth Street, Lafayette, IN, concurred with the staff report and conditions. He stated that this site would be used for one single family home.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S- 3384—LITTLE MINOR SUBDIVISION (MINOR-SKETCH).**

5. **S-3385—SWAN HOLDINGS SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a two-lot commercial subdivision on 6.20 acres, located on the north side of Amelia Avenue, just east of Creasy Lane, in Lafayette, Fairfield 35 (NE) 23-4.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map, aerial photo and plat.

Sallie Fahey recapped the staff report with recommendation of conditional primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. The street addresses and County Auditor's Key Number shall be shown.

David Swan, 3505 Cypress Lane, Lafayette, IN, stated that he was available to answer questions and asked for approval.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3385—SWAN HOLDINGS SUBDIVISION (MINOR-SKETCH)**.

#### **V. ADMINISTRATIVE MATTERS**

James Hawley stated that he was pleased that the Commission has come to consensus on the position of Executive Director. He concurred with their decision and stated that Sallie Fahey was the most eligible person to carry on. He stated that he would do his best to communicate with Sallie Fahey everything necessary to run the office. He reiterated that he was very pleased with the decision. He informed the Commission that he would not be at the next meeting because he would be attending an MPO meeting. He stated that Sallie Fahey and himself would be requesting time with the Budget and Personnel Committee to review structural issues. He explained that these issues would need to be addressed immediately and acted upon in the next three months so that Sallie Fahey could have full capabilities of future staff.

#### **VI. APPROVAL OF THE OCTOBER 2003 EXECUTIVE COMMITTEE AGENDA**

Jeff Kessler moved that the following subdivision petitions be placed on the October 1, 2003 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-3290- RED HAWK RIDGE SUBDIVISION (MINOR –SKETCH)**

Kathy Vernon seconded and the motion carried by voice vote.

#### **VII. DETERMINATION OF VARIANCES -- Area Board of Zoning Appeals**

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute.

**BZA—1645-KOMARK BUSINESS COMPANY**

**BZA—1647-JOHN M. & MIMI PEZZUTO**

Kathy Vernon seconded and the motion carried by voice vote.

#### **VIII. DIRECTOR'S REPORT**

*None.*

#### **IX. CITIZENS' COMMENTS AND GRIEVANCES**

Joseph T. Bumbleburg offered his congratulations to Sallie Fahey on behalf of the Bar Associations Land Use and Zoning Committee. He thanked the Commission for allowing him to be a part of the interview process. He stated that widening the process has a positive impact on the selection process. He mentioned that the transition should be fine and the Bar Association is always willing to help.

Steve Schreckengast commended Jay Seeger for all his work in this selection process.

James Hawley mentioned that Sallie Fahey has to receive a letter from Jack Rhoda formalizing the offer, and Sallie Fahey has to submit a formal reply accepting the position.

Jack Rhoda stated that the letter would be forthcoming.

#### **X. ADJOURNMENT**

Jeff Kessler moved for adjournment. Kathy Vernon seconded and the motion carried by voice vote.

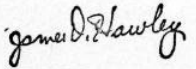
The meeting was adjourned at 9:00 P.M.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



James D. Hawley  
Executive Director